IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 361 OF 2003

1. Jacinto Carlos Rosendo
   dos Remedios Furtado

2. Filomena Rosalina dos
   Remedios Furtado

3. Caetano Xavier Ivo
   dos Remedios Furtado

4. Jose Irineu Augustias
   dos Remedios Furtado

5. Martha Fatima Lourdes
   e dos Remedios Furtado ... Petitioners.

versus

1. Union of India
   through Defence Secretary,
   Ministry of Defence,
   New Delhi.

2. The Asst.Defence Estate
   Officer,
   Panaji-Goa.

3. The Dy.Collector & S.D.O.
   Sub-Division, Margao-Goa. ... Respondents.

Mr. R. G. Ramani, Advocate for the Petitioners.

Mr. A. N. S. Nadkarni, Advocate General with Mr. S. Vahidulla, Additional Government Advocate for Respondent No.3.

Mr. J. S. Vaz, Additional Central Government Standing Counsel for Respondent Nos.1 and 2.

CORAM: F. I. REBELLO &
P. V. HARDAS, JJ.

DATED: 13TH AUGUST, 2003.

ORAL JUDGMENT(PER F.I.REBELLO, J.)

Rule.

Respondents waive service. Heard forthwith.

2. An Award under Section 28-A came to be passed on 10th July, 1997. In terms of that Award, the market value was enhanced. Till date, however, the amount as re-determined has not been paid. Notice was issued to the Union of India and an Order was passed on 28th July, 2003, to either deposit in this Court the amount awarded or bring a cheque for the Award.

When the matter is heard, Mr. J. S. Vaz, learned Counsel on behalf of Respondent Nos.1 and 2 tries to explain as to why the amount could not be paid. We are really not impressed. Once there was an Award, the Respondents were duty bound to pay the amount. However, it is now brought to our attention that there is an error in so far as area is concerned in the Award under Section 28-A. Under the Award as re-determined, the area is shown as 9503 sq. metres. This apparently is a mistake as the correct area would be 6503 sq. metres as per the original Award.

3. In the light of that, we direct the Respondents to make payments to the Petitioners in terms of the Award which has re-determined the market value and calculate the amount and consequential benefits on the basis that the area of the land is 6503 sq. metres. The amount be paid to the Petitioners within four months from today. Respondent Nos.1 and 2 to deposit the amount with Respondent No.3, who thereafter will make payment to the Petitioners.

Rule accordingly. There shall be no orders as to costs.

F. I. REBELLO, J.

P. V. HARDAS, J.

RD.